HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 9996 of 2005

Dated:05th October, 2005

Between:

1. Gowthami Education Society, Tangutur, Prakasam District, rep.

by its Secretary, R.P.Ankaiah, S/o.Yanadi, R/o.Tangutur,

Prakasam District and others.

..... PETITIONERS

AND

1.The Government of Andhra Pradesh, rep. by its Principal

Secretary, School Education/Chairman, DPEP, Secretariat,

Saifabad, Hyderabad and others.

.....RESPONDENTS

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 9996 of 2005

ORDER:

This writ petition has been filed by three Non Governmental Organizations with a prayer to issue a writ, order, or direction, more particularly one in nature of writ of Mandamus declaring the action of the respondents in not releasing the amounts due to the petitioners as found by the three men committee and as directed by the Government of Andhra Pradesh represented by its Principal Secretary, School Education/Chairman, DPEP, Hyderabad-1st respondent vide DO Lr.No.PESP/Spl./04, dated 09.07.2004 as arbitrary, illegal and unjust.

2. R.P.Ankaiah has sworn to the writ affidavit. The case of the petitioners as

disclosed in the affidavit filed in support of the writ petition, in brief, is: - The respondents permitted the petitioners to undertake Education Guarantee Scheme (E.G.S.) by way of sanction orders. The petitioners carried out the Education Guarantee Scheme and made certain claims with regard to the payment of amounts spent by them. The respondents have to release a sum of Rs.19,36,800/- in favour of the first petitioner; Rs.5,69,650/- in favour of the second petitioner; and Rs.8,52,000/- in favour of the third petitioner. A three men committee came to be appointed by the District Collector, Prakasam District, Ongole-3rd respondent. The Committee examined the records of the petitioners-institutions and submitted a report recommending the release of amounts as claimed by them. The District Collector, Prakasam District, Ongole-3rd respondent has not recommended to the Government for release of the amounts basing on the report of the three men committee. The reason for not recommending to the Government appears to be the pendency of the vigilance enquiry against the petitioners-institutions. Hence, this writ petition with the prayer stated supra.

3. Respondents 1 to 3 filed counter affidavit. K.Jaya Chandra Kumar has sworn to the counter affidavit filed on behalf of the respondents 1 to 3. It is stated in the counter affidavit that the Collector and District Magistrate, Prakasam District, Ongole, wrote a letter to the State Project Director, DPEP, Hyderabad, not to release the balance amounts to the NGOs concerned until the detailed report is submitted. I deem it appropriate to refer paras. 10 and 11 of the counter affidavit and they are thus:

> "10. In reply to the allegations made in paragraph-8 of the petitioner's affidavit filed in the above Writ Petition, it is submitted that as per the three men committee report has submitted to the District Collector and Magistrate on 6-8-2004 and the same was submitted to Principal Secretary to Education and State Project Director, DPEP, Hyderabad, on 4.9.2004. During the Grievance Day, National Students Union of India (NSUI) submitted the representation to the District Collector along with paper clippings showing allegations levelled against the petitioner. In this connection, the District Collector and Magistrate has requested the authorities not to release the payments to the petitioners Societies until further detailed enquiry is submitted a copy of the said proceedings is here with submitted.
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> 11. In reply to the allegations made in paragraph-9 of the petitioner's affidavit filed in the above Writ Petition, it is submitted that the Collector and Magistrate, Prakasam District wrote a letter to the State Project Director, DPEP, Hyderabad, not to release the balance amounts to the NGOs concerned until the detailed report is submitted. The then District Collector has

also brought it to the notice of the State Project Director, DPEP, Hyderabad, stating that the NOGs are indulging in corrupt practices. Some of the Mandal Educational Officers are also suspected to be involved in this activity. They are now trying to produce the list of Out of School children by obtaining signatures of Head Masters, Village Education Committees and Mandal Educational Officers. The then Collector has also taken action against those Mandal Educational Officers. Hence, due to the above circumstances the then Collector has requested the State Project Director, DPEP, Hyderabad, to stop the further releases to the NGOs."

4. Heard learned senior counsel appearing for the petitioners and learned Government Pleader for School Education appearing for the respondents.

5. Learned senior counsel appearing for the petitioners submits that the District Collector, Prakasam District, Ongole-3rd respondent having appointed the three men committee has not considered the report submitted by it and instead she acted on the anonymous complaint said to have been made subsequent to the three men committee report and that the action of the District Collector is highly unjustified in view of the fact of the petitioners-Institutions spending their own money in implementing the scheme about three years ago. Further submission has been made that the action of the District Collector, Prakasam District, Ongole, is highly unjustified in issuing instructions to the State Project Director, DPEP, Hyderabad, to stop the payments in view of the vigilance enquiry, out come of which is not known even after lapse of two years.

6. Learned Government Pleader for School Education appearing for the respondents submits that the District Collector, Prakasam District, Ongole-3rd respondent issued instructions to stop the payments in view of the vigilance enquiry.

7. Without going into the further details of the case, I deem it appropriate to dispose of the writ petition giving direction to the respondents to complete the vigilance enquiry within two months from the date of receipt of a copy of the order and thereafter appropriate orders are to be passed considering the three men committee report dated 06.08.2004.

8. Accordingly, the writ petition is disposed of. No costs.

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B.SESHASAYANA REDDY, J.

Dated: 05th October, 2005.

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